

REMARKS

This Response responds to the Office Action dated August 5, 2009, in which the Examiner provisionally rejected claims 1-3, 5-8, 13-15, and 17-20 on the grounds of non-statutory obviousness-type double patenting; and objected to claims 4, 9-12, 16, and 21-24 as being dependent upon a rejected based claim but would be allowable if rewritten in independent form.

Claims 1-3, 5-8, 13-15, and 17-20 were provisionally rejected on the grounds of non-statutory obviousness-type double patenting over Co-pending Application Serial Number 10/520,433.

Applicants respectfully traverse the Examiner's provisional rejection of the claims. Applicants respectfully point out that an express abandonment of Co-pending Application Serial Number 10/520,433 has been filed. Therefore, Applicants respectfully submit that the provisional rejection no longer applies. Applicants therefore respectfully request the Examiner withdraws the provisional rejection to claims 1-3, 5-8, 13-15, and 17-20.

Since objected to claims 4, 9-12, 16, and 21-24 depend from allowable claims, Applicants respectfully request the Examiner withdraws the objection thereto.

The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination should not anticipate or make obvious the claimed invention.

Thus it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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Date: September 21, 2009